

**Zoning Board of Appeals Minutes
November 26, 2019**

ZBA MEMBERS	ZBA MEMBERS ABSENT	STAFF PRESENT
Jim Racheff- Chair Lawrence Aronow Shuan Butcher Steve West	Kenneth Ying Bob Sisson	Gabrielle Collard – Division Manager of Current Planning Rachel Depo—Assistant City Attorney Jessica Murphy – Administrative Assistant

I. ANNOUNCEMENTS:

II. GENERAL PUBLIC COMMENT:

III. APPROVAL OF MINUTES:

Approval of the **September 24, 2019** Zoning Board of Appeals Meeting Minutes as published:

MOTION: Mr. Butcher amended and then motioned to approve the minutes to reflect a **3-1** vote for case **ZBA19-655V, Variance, 2606 Monocacy Ford Road**

SECOND: Mr. West

VOTE: **4-0**

IV. PUBLIC HEARING-SWEARING IN:

“Do you solemnly swear or affirm that the responses given, and statements made in this hearing before the Zoning Board of Appeals will be the whole truth and nothing but the truth.” If so, answer “I do”.

V. CONTINUANCES: None

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

A. ZBA19-1067V, Variance, 2525 Mill Race Road

MOTION: Mr. Butcher moved for denial of the variance request for ZBA19-1067V, under the powers granted to the Board by Section 203 and 313 of the Land Management Code, finding that:

1. The lot is part of a Planned Neighborhood Development (PND) where the setbacks for the principal structure were reduced beyond what was otherwise required at the time, thereby increasing the buildable area of that lot and that due to the approval through the master planning process there are no conditions peculiar to the Property, such as exceptional narrowness, shallowness, shape, topographical conditions, or the use of the Property or adjacent properties, under which the strict application of the required rear setback causes a peculiar or unusual practical difficulty to, or exception to, or undue hardship upon the Applicant.
2. In the absence of any unique characteristics of the lot or the use thereon or adjacent to and there being no practical or undue hardship to the Applicant, the request for a variance is not warranted.
3. The application of the setback standards will not deprive the Applicant reasonable use of the Property nor of rights commonly enjoyed by other properties in the same district and within the PND;
4. Granting the variance will confer a special privilege on the Applicant that is generally denied by the LMC to other lands or structures in the same district and within the PND;
5. While granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, it is not in harmony with the general purpose and intent of the Code including the PND and master plan provisions; and
6. While the Applicant did not create the lot layout or determine the house location, the request is the result of their desire to construct an enclosed area.

SECOND: Mr. West

VOTE: 3-1 (Mr. Aronow opposed)

E. BOARD BUSINESS:

Election of Officers was postponed until the December 17, 2019 ZBA Hearing.

F. ITEMS ADDED TO AGENDA

Zoning Determinations Completed:

- **ZBA19-1055ZD, Northgate Plaza Subdivision**
 - **ZBA19-1056NCU, 316 Upper College Terrace**
 - **ZBA19-1066HO, 222 Shannonbrook Lane**
 - **ZBA19-1097ZD, Riverside Corporate Park**
 - **ZBA19-1140ZD, 999 W. Patrick Street**
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VIII. ADJOURNMENT

Meeting adjourned approximately at 8:20 p.m.

Respectfully Submitted,
Jessica Murphy
Administrative Assistant